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UB Law Forum

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## Professor Herman Schwartz keynotes Commencement 2002

By Nicole Peradotto



Ambition. Edification. Consternation. Appreciation. To Yolanda Afua Asamoah-Wade, these words could serve as chapter titles for a book chronicling the typical student's law school experience. Naturally, the final chapter of that book would be devoted to graduation day, when appreciation flows as freely as congratulatory champagne.

UB Law School's 2002 commencement ceremony certainly followed in that tradition. On a sun-drenched May afternoon in the Center for the Arts, graduates thanked loved ones for their support, professors thanked students for their diligence, and alumni thanked the school for creating such a nurturing environment for aspiring lawyers.

For her part, Asamoah-Wade, chosen as the Class of '02's student speaker, used a portion of her time at the podium to express gratitude toward her peers.

"For some of us, our paths may never cross again, but this experience that we have shared will leave an indelible mark on our souls. In



Marcy E. Golomb '02 and Gregory A. Goodman '02



PROFESSOR HERMAN SCHWARTZ:

**"In A Christmas Carol, the ghost of Jacob Marley, Ebenezer Scrooge's partner, says to him, 'Mankind was my business.' That's true for everyone. But for lawyers, there's something more. The entrance to the United States Supreme Court proclaims 'Equal Justice Under Law.' For us as lawyers, making that a reality is our business."**



Professor William R. Greiner presents degrees to the graduating class of 2002.

this, we are forever united," she said.

"For others of us, the relationships we have established here will remain with us for the rest of our lives. We truly could not have done this without each other."

During an address notable for its inspiration and humor, Asamoah-Wade reminded students that the journey to law school began, for many of them, with an ambition "to effect change in this crazy world."

"Once here we embarked on a journey toward our edification, a journey that at first seemed to have crystal clear meaning and purpose. Yet we may have found ourselves beset with consternation at almost every turn.

"Brief the case?"

"I think I have one of those.

"Find a carrel?"

"I couldn't carry a tune to save my life.

"Sine qua ... who did you say?"

"Summarize the judgment?"

"It's enough to make a person feel persona non grata."

Similarly, UB President William R. Greiner injected levity into the event during his greeting. Standing behind a stage full of distinguished law school professors, staff, guests and alumni — including members of the class of 1952, present for their 50th reunion — he, too, took the occasion as an opportunity to give thanks. But to differ-

ent people, and for different reasons.

"In the presence of so many members of the bar and the bench, I was about to start my remarks by saying, 'May it please the court,'" the UB Law School professor and administrator quipped.

"That would be inappropriate, so let me just say the following: May God bless this honorable gathering and all the members of the bench and bar, all the soon-to-be members of the bench and bar, and their families. And one last blessing: For those alumni who are supporting the school, and the taxpayers of the state of New York, I

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Yolanda Afua Asamoah-Wade '02 gives the student address.



# Law School Report

Joshua L. Farrell  
'02 and family.



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say, "Thank you."

Dispensing with the traditional speech, Greiner then read the poem "A Chance for the Soul" written by UB English professor and 2002 Pulitzer Prize winner Carl Dennis.

Like Greiner, the keynote speaker for commencement day was a member of UB Law School's faculty during the 1960s and 1970s. Herman Schwartz joined the faculty in 1963, beginning a distinguished career in the area of civil liberties. At UB until 1976, Schwartz was heavily involved in studying and monitoring New York State's criminal justice system. In 1971, during the infamous uprising at Attica State Prison, he served as the first intermediary between the prisoners and the prison administration. He also founded the American Civil Liberties Union's prisoners' rights program and took two prisoners' rights cases before the Supreme Court.

It was in the context of the civil rights movement that Schwartz reflected on his tenure at UB. Arriving in Buffalo the day after Martin Luther King Jr. delivered his "I have a dream" speech during the March on Washington, he remembered that just a few months later, President John F. Kennedy was assassinated — "the first of our several losses of innocence."

"Throughout my 14 years here, more shocks followed," said Schwartz, now a professor at American Uni-

versity's Washington College of Law.

"The Vietnam War tore the country apart. Martin Luther King and Robert Kennedy were assassinated. Urban riots erupted with frightening regularity. George Wallace attracted a huge following with his racist message and he, too, was shot. Richard Nixon was forced to resign because of

dress, describing it as a civic-minded institution fiercely committed to students and scholarship.

"The school offered its faculty an opportunity to think and write about the law. It provided us with a constantly changing group of bright minds as the captive audience who had to listen to us if they wanted to get through law school.



Professor Makau Mutua, marshal, and Professor Herman Schwartz, keynote speaker, top.



Nadine C. Smith '02, above.



Members of the Class of '52, left to right: Phyllis H. Wilkinson, June Sworobuk, Hon. Mary K. Davey-Carr, Hon. Alfreda W. Slominski and Hon. Mary Ann Killeen Ast.

the Watergate scandal. The abortion wars began. And America was into a much more troubled era.

"The opening line of Charles Dickens' *A Tale of Two Cities* begins: 'It was the best of times, it was the worst of times.' Perhaps that's always true," Schwartz observed, "but it certainly describes the years I was here."

The keynote speaker recalled UB Law School with great fondness during his ad-

"It provided students and colleagues with room to exchange ideas. And equally important with my particular interests was the opportunity to work in the community."

Schwartz's "particular interests" since that time have prompted him to write two books: *Packing the Courts: The Conservative Campaign to Rewrite the Constitution* (1988) and *The Struggle for Constitutional Justice in Post-Communist Europe*.

The latter title, published



UB PRESIDENT WILLIAM R. GREINER:

**"In the presence of so many members of the bar and the bench, I was about to start my remarks by saying, 'May it please the court,'"**  
the former UB Law School professor and administrator quipped.



in 1999, is inspired by Schwartz's passion of the past 12 years. As an adviser on matters of constitutional and human rights reform, he has worked extensively with nations in the former Communist bloc in Central and Eastern Europe, as well as Russia.

Describing their struggles to build a constitutional democracy under the rule of

"Legal reforms have flagged badly in many of these countries. Yet without such reforms, economic recovery is impossible. Without the cooperation and security of law – anti-monopoly laws, banking laws, commercial codes – without the legislation that we take for granted, a modern economy simply cannot function."

Bringing his address



Karen V. Zeitounzian '02 surrounded by her family.

law, Schwartz told the audience that he has seen glimmers of hope in these regions. For example, some countries adopted a version of judicial review with special constitutional tribunals independent of the regular court. In Russia and Hungary, Schwartz said, such tribunals effectively abolished capital punishment.

Nonetheless, he observed, too much is still being done by "connections, cronyism and corruption."

back home, Schwartz reminded the assembled graduates that it's not only in far-flung countries where citizens struggle to make ends meet, and where children go hungry.

"It's often said that our country has too many lawyers. That depends. We certainly don't have too many lawyers for the poor and the others short-changed by luck. Yet such

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**LATIN HONORS 2002**

**Summa Cum Laude**

*Patrick Gerard Radel*

**Magna Cum Laude**

*Marina Belaya*

*Joanna Dickinson*

*Joshua Lynch Farrell*

*Scott Thomas Hanson*

*Kim Koski Taylor*

*Ryan Andrew McPherson*

*Melissa Anne Meyer*

*Julie Jean Oleen*

*Erin Elizabeth Popovich-Fontana*

*Patrick Fiore Tedesco*

*Jack Trachtenberg*

*Jennifer Nowak Weidner*

**Cum Laude**

*Frank Vincent Balon*

*Matthew J. Beck*

*Kristy Lynn Berner*

*Mary Beth Bowman*

*Paul James II Brodnicki*

*David P. Case*

*Jennifer Rebecca Darling*

*Owen William Demuth*

*Deanna L. DeVries*

*Karen Beth Feger*

*Dierk Allen Flemming*

*Donald Greenwood Frey*

*Hillary Kaine Green*

*Michael Paul Joy*

*Stephen William Kelkenberg*

*Seth Sungkwan Kim*

*Jeffrey Lloyd Kingsley*

*John David Lopinski*

*Shawn T. May*

*Jennifer M. Noto*

*Amy Nyitrai*

*Temietan O. Ofuya*

*Karen Elizabeth Peterson*

*Lisa Marie Schultz*

*Christopher Daniel Smith*

*Joshua Robert Stack*

*Paul C. Steck*

*Kimberly Ann Stock*

*James Carlton Thoman*

*Marla Waiss*

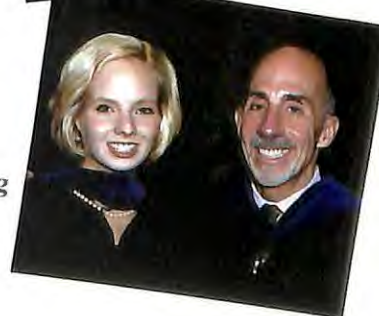
*Mary MeiLi Willkens*

*Christopher Wisniewski*

*Melanie May Wojcik*



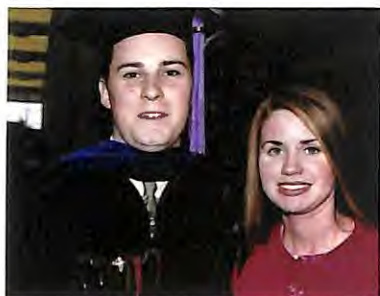
Temietan O. Ofuya '02, top.



Amanda A. Gresens '02 and her father James W. Gresens '73, above.



# Law School Report



Patrick G. Radel '02 with his wife, Mary Snyder '01

## AWARDS AND PRIZES

Vice Deans Dianne Avery and Peter R. Pitegoff presented the awards and prizes:

- The Law School's top award, the *Max Koren Award*, went to **Patrick G. Radel** (Williamsville).
- The *John N. Bennett Achievement Award* was shared by **Erin E. Popovich-Fontana** (Grand Island) and **Ryan A. McPherson** (East Aurora).
- *Dale S. Margulis Award* went to **Rashondra M. Jackson** (Amherst).
- *Birzon Prize in Clinical Legal Studies* was given to **Emily A. Vella** (Holland, NY).
- *American Bankruptcy Institute Medal for Excellence in Bankruptcy* went to **Christopher A. Schenk** (Kenmore).
- *American Bar Association and the Bureau of National Affairs for Excellence in the Study of Intellectual Property Law* was presented to **Christopher E. Copeland** (Gainesville, NY); **George Hajduczuk** (Lancaster) and **Thomas E. Popek** (Orchard Park).
- *American Bar Association and the Bureau of National Affairs for Excellence in the Study of Labor and Employment Law* was given to **Joanna Dickinson** (Buffalo); **James S. Skloda** (Cicero, NY); and **Andrew J. Blanton** (Rochester).
- *Charles Dautch Award* for research in the law of real property was presented to **Michael P. Joy** (North Tonawanda).
- *Professor Louis DelCotto Award* in Tax was presented to **Erin E. Popovich-Fontana** (Grand Island).
- *Maurice Frey Award* in Family Law was given to **Laura Ann Kelley** (North Tonawanda) and **Kim Koski Taylor** (West Henrietta).
- *Edith and David Goldstein Award* for debtor-creditor and bankruptcy law was presented to **Deanna L. DeVries** (Amherst).
- The *Thomas E. Headrick "Trees and Forest" Award* in corporate finance was given to **Marina Belaya** (Williamsville) and **James C. Thoman** (Glenwood, NY).
- *Adolph Homburger Law Alumni Association Award* went to **Sandra Friedfertig** (Williamsville) and **Joshua L. Farrell** (Buffalo).
- *Judge Matthew J. Jasen Appellate Practice Award* was given to **Patrick G. Radel** (Williamsville).
- *David Kochery Award* was given to **Paul J. Brodnicki II** (Buffalo).
- *Laidlaw Law Alumni Association Award* was presented to **David P. Case** (Palmyra, NY).

- *Moot Evidence Award* went to **Michael P. Joy** (North Tonawanda).
- *Harry A. Rachlin Prize in Property and Real Estate Transactions* was given to **Michael P. Joy** (North Tonawanda).
- *Judge William J. Regan Award* went to **Julie J. Olenn** (Buffalo).
- *Robert Connelly Trial Technique Awards* were presented to: **David P. Case** (Palmyra, NY); **Brian M. Chella** (Buffalo); **Lorisa D'Angelo** (Rochester); **Joanna Dickinson** (Buffalo); **Perry M. Duckles** (Penfield, NY); **Hillary K. Green** (Buffalo); **Gregory Grizopolous** (Amherst); **Sean D. Lair** (Class of 2003 - Brockport); **Kathryn J. Land** (Amherst); **James P. Mulhern** (Kenmore); **Jon A. Nichols** (Amherst); **Destin C. Santacrose** (Norwich, NY); **Kim Koski Taylor** (West Henrietta); **Christopher G. Todd** (Amherst); **Cynthia L. Warren** (Williamsville); **Jennifer N. Weidner** (Victor, NY); **Daniel N. Wilkens** (Buffalo); **Julie Atti** (Class of 2003, Buffalo).
- *Law Faculty Awards* were presented to: **Joshua L. Farrell** (Buffalo); **Mark M. Popiel** (Niagara Falls, Ont.); **Nicole C. Lee** (Buffalo); **Karen V. Zeitounzian** (Pittsford); **Joseph E. Schneider** (Buffalo).
- *New York State Bar Association Ethics Award* went to **April J. Orlowski** (Class of 2003 - North Tonawanda).
- *Carlos C. Alden Award* for the Buffalo Law Review went to **Julie J. Olenn** (Buffalo).
- *Justice Philip Halpern Award* for excellence in writing went to **Julie J. Olenn** (Buffalo).
- *Order of the Barristers* went to: **Paul J. Brodnicki** (Buffalo); **Todd A. Gold** (Commack, NY); **Hillary K. Green** (Buffalo); **Megan A. Griffin** (Plattsburgh, NY); **Natalie A. Grigg** (Lockport); **Paige M. Junker** (Amherst); **Stephen W. Kelkenberg** (Buffalo); **Jennifer M. Noto** (Mount Morris, NY); **Karen E. Peterson** (Kenmore); **Melanie M. Wojcik** (Orchard Park).
- *Justice M. Dolores Denman Award* and scholarship was presented to **Karen B. Feger** (Buffalo) and **Yolanda Asamoah-Wade** (Rochester).
- *Linda S. Reynolds Award* for equal justice was given to **Anne R. Babcock** (Buffalo).
- *Kenneth A. Gomez Award* for equality and justice went to **Danita C. Mendez** (Buffalo) and **Richard S. Ortiz-laPorte** (Queens Village, NY).
- *Activist's Gavel Award* for democratic and liberal ideals was presented to **Dennis L. Fish** (Amherst).
- *Minority Bar Association Award* went to **Rashondra M. Jackson** (Amherst).
- *National Association of Women Lawyers Award* went to **Kathryn J. Land** (Amherst).
- *UB Law Alumni Association GOLD Group Award* for leadership skills went to **Nicole C. Lee** (Buffalo).
- *NY State Bar Association Law Student Bar Association Achievement Award* was presented to the Student Bar Association and Domestic Violence Task Force.

## On stage, all in the family

For one proud family, Commencement 2002 was not only a chance to celebrate a graduation, but also to make a bit of UB Law history.

Josie Lipsitz, a member of the Class of 2002, is the fourth generation of her family to take home a UB Law diploma. She was preceded in that line by her aunt, Nan Haynes '92; her uncle, John Lipsitz '78; her grandfather, Richard Lipsitz '43; and her great-grandfather, Harry Lipsitz '12.

"Every one of the succeeding generations made the decision on his or her own, without any input from me. It just happened through osmosis," says Richard Lipsitz, now the family patriarch and a partner in the Buffalo law firm Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria. "She just decided that she wanted to go to law school and become an attorney."

The occasion was also a special one because Law School Dean Nils Olsen first invited Richard Lipsitz to be part of the Commencement procession, then - just before they left the robing room - told him that he could present the diploma to his granddaughter.

It was a family moment unique to UB Law School. "I was thrilled by the opportunity, and touched," Lipsitz says. "That was very nice of the dean. I was touched by his thinking of me and inviting me."





SUNY DISTINGUISHED TEACHING PROFESSOR KENNETH F. JOYCE:

**"In the course of learning all these rules, you have also learned – or perhaps more accurately, learned to live with – a fact that's undeniable: A good deal of the law is ambiguous, unclear, in a state of flux, evolving, up in the air or just plain unknown."**

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people are totally enmeshed in the law, whether it involves welfare, food stamps, subsidized housing, Medicare, immigration law and, of course, criminal law."

Urging the graduates not to neglect their responsibility to those in need, he read Canon Two of the American Bar Association Code of Professional Responsibility, which calls for "every lawyer regardless of professional prominence or professional workload to find some time in serving the disadvantaged."

In keeping with that theme, Schwartz concluded his talk with another quote from Dickens.

"In *A Christmas Carol*, the ghost of Jacob Marley, Ebenezer Scrooge's partner, says to him, 'Mankind was my business.' That's true for everyone. But for lawyers, there's something more. The entrance to the United States Supreme Court proclaims 'Equal Justice Under Law.' For us as lawyers, making that a reality is our business."

The faculty address was given by SUNY Distinguished Professor Kenneth F. Joyce, who reminded the graduates what it means to think like a lawyer.

"From the beginning of law school to the end, you have been subjected to rules and exceptions to rules, principles and countervailing principles, distinctions and



Graduates get ready to march in the Center for the Arts

false dichotomies, rationales and flawed reasoning," he said.

"In the course of learning all these rules, you have also learned – or perhaps more accurately, learned to live with – a fact that's undeniable: A good deal of the law is ambiguous, unclear, in a state of flux, evolving, up in the air or just plain unknown."

It seemed fitting that Joyce uttered the word "unknown" just minutes before 230 Juris Doctor and 13 Master of Laws candidates walked across the stage and toward a future punctuated with numerous question

marks.

However, the broad smiles that accessorized their caps and gowns indicated that most graduates were not thinking about the bar exam, interviews or first jobs. Clearly, they were reveling in the moment.

As the commencement exercises took place May 11, a day before Mother's Day, each student received a long-stemmed red rose — in yet another gesture of appreciation — to honor their mothers.



Anthem soloist Phillip Dabney Jr. '02, top.

Joseph E. Schneider '02 and fiancée Laurel Ode, above.